

Exhibit F

Sworn Statement of Michael Hill

1 STATE OF TENNESSEE

2 IN RE:)
3)
4 Investigation of Ideal Horizon)
Benefits d/b/a Solar Titan USA, LLC)

12 VIDEO-CONFERENCE SWORN STATEMENT OF MICHAEL HILL

13 September 1, 2022
14

15
16
17
18
19
20
21
22 Ad Litem Reporting
23 117 Arrowhead Drive
Hendersonville, Tennessee 37075
24 (615) 415-5556
dl_stacy@bellsouth.net

25 Reported by: Tracy Wilkes, LCR

1 VIDEO-CONFERENCE APPEARANCES:

2

3 For the Consumer Protection Division:

4 Samuel Keen, Assistant General Counsel
Tessa Ortiz-Marsh, Assistant General Counsel
5 Alicia Daniels-Hill, Legal Assistant/Attorney
Office of the Tennessee Attorney General
6 P.O. Box 20207
Nashville, Tennessee 37202

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	<u>INDEX</u>	
2		<u>Pages</u>
3	MICHAEL HILL	
4	Examination by Mr. Keen	5 - 41
5	Examination by Ms. Daniels-Hill	41 - 48
6	Further Examination by Mr. Keen	49 - 63
7	Further Examination by Ms. Daniels-Hill	63 - 66
8	Further Examination by Mr. Keen	66 - 81
9	Further Examination by Ms. Daniels-Hill	81 - 83
10	Further Examination by Mr. Keen	83 - 92
11	Further Examination by Ms. Daniels-Hill	92 - 95
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Ad Litem Reporting - (615)415-5556

1 MR. KEEN: All right. So we are on the
2 record in the matter of In Re: Investigation of Ideal
3 Horizon Benefits, d/b/a Solar Titan USA, LLC, pursuant
4 to a request for information issued to Mike Hill, via
5 certified mail, on August 22, 2022.

6 Today is Thursday, September 1, 2022.
7 It is currently 10:04 a.m.

8 Good morning, Mr. Hill. My name is Sam
9 Keen. I'm an assistant attorney general with the
10 Tennessee Attorney General's Office.

11 I also have on the phone with me an
12 assistant attorney general named Tessa Ortiz-Marsh and
13 legal assistant, but attorney, Alicia Daniels-Hill.

14 And, again, we are here today to take
15 your sworn statement.

16 THE DEPONENT: All right. I like the
17 last name, Ms. Hill.

18 MR. KEEN: Yeah. Maybe you-all are
19 cousins or something.

20 Mr. Hill, you'll see that we do have a
21 court reporter here with us this morning. Her name is
22 Tracy Wilkes.

23 Now, normally the court reporter would
24 be with us in person. But, obviously, that's not the
25 case today. You know, with you being so far away, we

1 didn't want to have you drive all the way up to our
2 office.

3 And so, usually, when the court reporter
4 is with us, it's the court reporter who administers the
5 oath. And I want to ask you if you're okay with
6 Ms. Wilkes administering the oath to you today via Zoom.

7 THE DEPONENT: Absolutely.

8 MR. KEEN: Okay. Then I'm going to ask
9 Ms. Wilkes to swear you in.

10 (The reporter complies.)

11 MICHAEL HILL,
12 having been remotely sworn, was examined and testified
13 as follows:

14 EXAMINATION

15 BY MR. KEEN:

16 Q. And just to confirm, you are okay with this
17 Zoom meeting being recorded?

18 A. Yes.

19 Q. Now, in order for the court reporter to
20 transcribe your responses we need to be sure that we are
21 giving verbal responses. So shaking your head is fine.
22 But if you do shake your head "yes" or "no," you should
23 also verbally say "yes" or "no."

24 Does that make sense?

25 A. I got you.

Ad Litem Reporting - (615)415-5556

1 Q. And I am going to ask you to speak loudly
2 and clearly so that the court reporter can accurately
3 transcribe what we're saying.

4 I'm also going to ask that we avoid talking
5 over each other to the extent possible. So I'll wait
6 for you to finish your answer before I ask my next
7 question. And if you'll wait for me to finish my
8 question before you start your answer I think everything
9 should be okay.

10 A. Yes, sir.

11 Q. If at any time the court reporter didn't
12 hear what it is we said, you know, misheard or wants
13 clarification, she'll interrupt us and ask us what we
14 said.

15 Now, Mike, Alicia and Tessa might also have
16 some questions they'd like to ask you. So I might stop
17 from time to time to see if there's anything that they
18 want to follow up on.

19 There also might be a time where maybe we
20 need to take a break. And so if we do need to take a
21 break just let me know.

22 And if we are about to take a break, I'll
23 just need you to answer the question that I last asked.
24 And then once that answer is given, then we can take a
25 break.

1 I don't know how long this will go for. I'm
2 hoping that we don't take up too much of your time
3 today. So if starts to get around lunchtime and you
4 want to stop and take a break for lunch, or if there's
5 anything else and you want to take a break, just let me
6 know. All right?

7 A. Yeah. Yes, sir.

8 Q. And, of course, if there's any question that
9 I ask that you don't understand, please let me know so I
10 can clarify.

11 A. Well, I'm kind of confused why I'm involved
12 in the process, considering, you know, I was mid-level
13 management and I was the one that left. Right?

14 So I'm kind of confused on why I'm being
15 involved in this. But I guess that's going to come out
16 between all of your questions. Correct?

17 Q. It might. I think some of my questions
18 might help clarify.

19 And then, of course, if you have any other
20 questions, or if there's anything that we need to
21 discuss off the record after your sworn statement, we
22 can do that.

23 A. Okay. Awesome.

24 Q. Do you understand that you're under oath
25 today?

1 A. Yes.

2 Q. Okay. And you understand what that means?

3 A. Yes, sir.

4 Q. Okay. Great.

5 A. I've watched "Law and Order" before.

6 Q. Yeah. Exactly.

7 So you know you've got to tell the
8 truth, and if you don't you could get in a little bit of
9 trouble?

10 A. Yes.

11 Q. All right. Good.

12 Are you familiar with testifying?

13 A. Testifying?

14 Q. Yes.

15 A. No. I mean, I grew up with the saying
16 "snitches get stitches." So I try to stay away from
17 that. You know?

18 I'm just kidding.

19 Yes. I'm familiar with the process.

20 Q. Have you ever testified in court?

21 A. No. I prefer not to, actually.

22 Q. I understand.

23 Have you ever given a deposition before?

24 A. No.

25 Q. Okay. Well, what we're doing today is

1 called a "sworn statement." And it's a little bit
2 different. You know, some -- a couple people that we
3 talked to do have familiarity with testifying either in
4 the form of giving testimony in court or giving what's
5 called a "deposition."

6 A. Yes.

7 Q. A sworn statement is a little bit different.
8 Okay?

9 It's basically an investigatory tool that is
10 available to our office via statute. The statute gives
11 us the right to request that you appear in front of us
12 to give sworn testimony outside of either having the
13 other party present, the party that we're investigating.

14 And while you're welcome to have an attorney
15 present, if you would have liked to have an attorney
16 present. It's not required. And, certainly, the
17 attorney wouldn't be able to make any objections beyond
18 privilege objections.

19 Does that make sense?

20 A. Yes. I consulted my attorney. So.

21 Q. Okay. Good.

22 A. He told me what to expect. And, you know,
23 he was like -- because I told him that you said six to
24 eight hours. He goes, "Man, you don't sound like you
25 know two hours' worth of information." I said, "I

1 know."

2 Q. I like to overestimate just so that --

3 A. I'm good with that.

4 Q. Do you mind if I ask the name of the
5 attorney that you consulted with?

6 A. It's a friend of mine in Illinois.

7 Q. Okay.

8 A. His name is Chris Martin.

9 Q. Okay. I know a lawyer named Chris Martin
10 here in Tennessee.

11 A. I know. It's weird.

12 Q. But it's a common name. Chris Martin.

13 All right. Great.

14 So, Mike, do you mind telling me a little
15 bit about your background to kind of get started?

16 By that I mean where you're from, where you
17 live now, where you went to high school, where you went
18 to college, if you went to college. That sort of thing?

19 A. Born and raised in Knoxville, Tennessee.
20 Live in Knoxville, Tennessee. Went to college at the
21 University of Kentucky for a while. Also, went to Life
22 University Chiropractic School for a while.

23 Q. You said you went to college in Kentucky?

24 A. Yes, sir.

25 Q. Was that -- what college was that?

1 A. University of Kentucky.

2 Q. Okay.

3 A. I went on a football scholarship.

4 Q. Really?

5 A. Yes, sir.

6 Q. Play for the Wildcats?

7 A. I did. I did.

8 Q. How long ago was that?

9 A. A long time. If you can't tell from the

10 gray. '99, 2000.

11 I was the jock who didn't realize that

12 studying really mattered. I had got through high school

13 on accolades; on, you know, things like that. Got to

14 college and it's a little different.

15 Q. Yeah.

16 A. So.

17 Q. I played high-school football. In

18 retrospect I wish I would have played college football,

19 but I never got the chance to.

20 Did you -- who was the quarterback for

21 Kentucky? The big guy who passed away recently?

22 A. So his name is Jared. He came my senior

23 year.

24 I played with Tim Couch.

25 Q. Really?

1 A. Yes.

2 So I played with Tim Couch. And when -- he
3 was a senior in my freshman year. And then we had a
4 bunch of no-name guys. And then Big Jared came in my
5 senior year.

6 Q. I was always a big fan of Jared, just as a
7 fellow big guy. You know, he would go up there and run
8 around and do crazy stuff. I was like, "All right.
9 He's representing us well."

10 A. Amazing guy. 350 pounds that can run like
11 that. That's incredible.

12 Q. So you're in Knoxville now?

13 A. Yes.

14 Q. And you grew up in Knoxville?

15 A. Yes, sir.

16 Q. Now, for some reason I was under the
17 impression that you had lived in Georgia for a while?

18 A. No. So -- well, I mean, a little bit. I
19 ran a couple of businesses. So -- with Solar Titan.
20 The reason you're under the impression is because I was
21 the one that launched Georgia and Alabama.

22 Q. Okay.

23 A. So they -- when I came to Solar Titan I had
24 been out of sales for about five, six years. I was
25 working for a steel company.

1 I -- actually, you're probably sitting in
2 the courthouse we just built. The federal courthouse in
3 Downtown Nashville.

4 Q. Oh, really?

5 A. Yes. So I was a crane operator on that job
6 when it was completed a few years back.

7 Anyway, so went to -- I believed in solar.
8 I had went solar before.

9 So during the process I was tired of doing
10 labor, tired of sweating all the time and not making
11 really nothing compared to what I should have been
12 making. You know, \$80,000 a year sounds great until
13 you're working 70 hours a week for it.

14 So I decided I would go back into sales. I
15 put my résumé online. Solar Titan, along with about
16 40 other companies extended an offer.

17 After talking to my wife and praying about
18 it -- because of the fact that they pushed the whole
19 time it was honesty, integrity, and ethics is what they
20 stood for.

21 And that was their creed, is that, you know,
22 they wanted to build a solid company. They only wanted
23 people that were honest and handled themselves with
24 integrity and had ethical purposes to them. We felt it
25 was the right fit, a good fit at the time.

1 As soon as it wasn't, as soon as it was
2 exposed to me that honesty and integrity and ethics was
3 not a true part of the formula, I removed myself from
4 the equation.

5 And so the downfall of the company started
6 from what I hear.

7 Q. So when did you start working for Solar
8 Titan?

9 A. It was June of 2021.

10 Q. And you said before that you worked for a
11 steel company in Knoxville?

12 A. Yes. A company called Superior Steel,
13 Incorporated.

14 Q. Did you do sales for them as well?

15 A. No. I was a crane operator.

16 Q. Oh, okay. Have you -- had you done sales
17 before joining Solar Titan?

18 A. Yes, sir. I had done all kinds of sales. I
19 worked with ADT Home Security at one point in time. I
20 was a regional vice president for a franchise of that
21 for three years.

22 I had done some other sales as far as --
23 basically, I'm a trainer. I'm more known for my ability
24 to train and develop talent.

25 So I'm a high-level closer. But the only

1 reason I'm a high-level closer is because of the fact
2 that I don't go in being a sales guy. I go in and build
3 a relationship with the people and give them options.
4 And it didn't matter what the product was.
5 Steaks, ADT, houses, cars -- whatever. It's the same
6 approach. If people believe in you because you're
7 genuine and you sit down and take the time to listen to
8 them and you have a good product and you have a good
9 approach with yourself, then you can be successful in
10 this industry. And that's why I'm different than
11 everybody else.

12 Q. Yeah. I agree with that for sure.

13 So you've done sales. You wanted to get
14 back into sales. You said you uploaded your résumé, and
15 then Solar Titan contacted you?

16 A. Yes. On Indeed.

17 Q. On Indeed.

18 Okay. They contacted you about a sales
19 position?

20 A. It was a training -- a field trainer
21 position is what I walked into the company as in June.

22 Q. So a position -- well, tell me what a field
23 trainer is.

24 A. So my job was to -- well, the initial
25 approach to the job was to -- my job was to develop

1 talent. So people would come in with minimum to no
2 experience, and I would go on rides with them to
3 appointments.

4 My job was to, you know, help them,
5 encourage them, show them the system, and show them how
6 to be successful. And, you know, ultimately close the
7 deal. And pick up the slack if they were -- if they
8 were not doing a good job then I would step in and kind
9 of take over the presentation to teach them. And things
10 like that.

11 That lasted for about 30, 45 days. I was
12 promoted to territory training manager after that. The
13 territory training manager, his job was to not only do
14 sales, but also motivate and manage the group and things
15 like that.

16 Forty-five days after that I was a territory
17 sales manager. So they put me to -- and that's when I
18 went to Chattanooga. And I started working Chattanooga,
19 Georgia.

20 Two months after that I was a -- I don't
21 remember what the title was. I was basically a regional
22 sales manager. But it was something like territory
23 training development something manager. It was just the
24 way to underpay me, basically.

25 Q. Right.

1 A. So, instead of calling me a regional
2 manager, which required \$150,000 a year salary, they
3 called me this crazy syllable word. You know, 37-letter
4 word to pay \$80,000 a year.

5 Q. Well, it sounds like there were promotions
6 that happened pretty quickly?

7 A. For me, yes.

8 Q. And I assume that's because you were doing a
9 good job?

10 A. There's a reason why we're here, friend.

11 Q. And you said that they were paying you a
12 salary. So you didn't get paid a commission?

13 A. I got paid commission plus salary. So as a
14 field trainer, when I started that position was \$52,000.
15 And the only commission you got was if you hit a bonus
16 that never got hit. Because, magically, so many sales
17 just disappeared before the end of the month. Right?

18 And they were -- at the time they were doing
19 bonuses on closing percentages for your team. So
20 anything above 30 percent you got paid a certain
21 percentage of the sales. 35 percent, 40 percent, so on.

22 Well, magically, we -- in Knoxville we had
23 the top office. We were doing like 5 million a month.
24 But we never could close more than 30 percent. Which
25 just didn't make sense. Right?

1 So I'm the type of guy, I pay attention to
2 detail. And I keep track of records of everything. So
3 I started bringing this up. Well, that's when, you
4 know, "We just put in for you. You're going to be a
5 territory training manager now, so you're not going to
6 have to worry about that."

7 And, you know, listening to me, they
8 restructured it. Because I told them, you know, closing
9 percentage is not fair to the young people. You're
10 bringing young people in that you're giving them a
11 mediocre training class. The training there is garbage.
12 The guy is horrible. He thinks he's King Kong. Dude
13 can't train for crap. He's a "5-foot-2 beat on his
14 chest" guy.

15 Anyway, so I'm like you're putting a lot of
16 pressure on your management and you're not paying them.
17 You know, that's not how you build a successful
18 organization. If you want to have a successful
19 organization, you need to develop them and encourage
20 your trainers to want to develop your talent in the
21 right way.

22 So they switched it from closing percentage
23 to basically volume per attempt. In other words,
24 they -- basically, whatever your average sale was you
25 got a bonus on.

1 So when I went to a territory training
2 manager the only difference was I still received a
3 \$52,000 salary annually. But I got the opportunity
4 personally to do sales. Because as a field trainer I
5 was only allowed to sell one day a week.

6 And, you know, so as a territory training
7 manager there was more of a spotlight put on me to carry
8 the weight as far as sales. So not only did I train,
9 but I received a lot more individual opportunities.

10 And that's kind of what I separated myself.
11 Because, you know, as I got those opportunities I was
12 closing 80 percent of them.

13 And with that, my cancellation percentage
14 was like 3 percent. Reason being is because I wasn't
15 lying to people. Everything I told people was things
16 that I knew for a fact. And, in fact, most of my
17 customers -- I Googled the things that I would tell them
18 in front of them so they could see the results of what
19 I'm saying.

20 And I started the saying that -- the company
21 apparently stole. But, you know, I under-promote and
22 over-deliver.

23 So I would also tell the customer, "Hey, I
24 want you to make a choice to go solar on worse case
25 scenario and you be ecstatic with best case scenario.

1 Rather than me sell you best case scenario and become
2 the biggest villain this side of the Mississippi." That
3 was my approach. And, you know, it was true.

4 So I was telling people they would get 60,
5 70 percent offset, even though the company was telling
6 people 90 percent. The research I had done -- the
7 research I had, 90 percent offset in Tennessee where
8 there's no net metering, that's not plausible. You
9 could get 80 percent three months a year: June, July,
10 August. But the rest of the year you're really sitting
11 about 60 percent.

12 So I would just tell them 60 to 70 percent.
13 And so the months when they got bills that were \$30 a
14 month they were ecstatic because I told them 60 to 80
15 bucks a month is what their utility bill would be on top
16 of the solar.

17 And they would send me referrals and contact
18 me constantly with opportunities with families in their
19 neighborhoods and things because of the fact that I
20 never sold them. I just gave them a choice.

21 If it made sense to them and it was
22 affordable and they see the benefits, then, hey, I want
23 you to do it. If not, I don't want to waste your time
24 or mine. I've got some beer and football to watch. You
25 know, we can hurry up and get this over with.

1 Q. So you mentioned that the company liked to
2 tell people 90 percent, but you were kind of doing your
3 own thing being more honest. Did the people that you
4 worked for, did they ever say, hey, no, you need to do
5 it our way?

6 A. No. I was throwing up -- I had the record
7 for the company still. I did over a million dollars in
8 sales individually multiple times in a month. I was --
9 so they didn't really know. Nobody from the company
10 rode with me except for who was a regional manager at
11 the time. A guy named J.R. Buchanan. He rode with me
12 one time.

13 And he told me, he said, "Look, John
14 Carroll -- that's the training guy that's garbage --
15 he's going to hate this. It's amazing what you do." He
16 was like, "You're just a good ole guy. You sit down
17 with them. You have fun with them. You give them a
18 choice, and they love you." He was like, "Don't let
19 anybody else know that you're not using their
20 presentation."

21 Q. Who did you say was going to hate it?

22 A. John Carroll. That's his name.

23 He was the trainer. From what I hear he's
24 now the head man over there. He's doing their sales and
25 training and all that.

1 Q. Who did you interview with?

2 A. John Carroll.

3 Q. Did you interview with Craig Kelley?

4 A. You know, I've only looked at that guy
5 twice.

6 He -- that was a red flag. See, I would
7 have left a month into my employment because of that
8 alone. There were red flags, and I was talked out of
9 them.

10 I guess you already talked to Shawna Helton.
11 So Shawna was my boss and the manager in Knoxville.
12 They're like, "Look, we've worked here a while.
13 Everything is good." And I'm like, "There's just too
14 many things not lining up."

15 Like, I've never seen an owner not want to
16 be involved with his people, especially not in an
17 up-in-coming company.

18 You know, at the time we were in like ten
19 mini storage buildings in a little cul-de-sac. And then
20 all of a sudden he buys a \$5 million building right on
21 the I-40.

22 As an owner you want to celebrate those
23 things. You know, that's something -- that's how you
24 build the morale of your team. And you show them that
25 the company's going in a positive direction.

1 So me personally, no. I've never had any
2 interactions with Craig Kelley, nor Michael Atnip.
3 Richard Atnip. Whatever his real name is. Or
4 Sarah Kirkland.

5 Q. So you never -- you said you never had any
6 interactions. Is that, like, you never talked to them
7 at all?

8 A. No. No. Like, the only time I talked to
9 Craig is when he was flossing a \$180,000 Tesla and I
10 asked him when I was going to get one. I said, "So what
11 do I got to do to get a -- because he bought everybody
12 Teslas for management. Right?

13 And he goes, "You're going to have to build
14 a good manager." I go, "You must not know who I am.
15 I've built every manager you have in your company south
16 of Knoxville."

17 So -- and we were carrying the weight the
18 right way. So my team in Chattanooga, Georgia, and
19 Alabama, all my guys were trained my way. We were a
20 step -- a cut above because of the fact that we were
21 doing it the right way. Everything was done ethically
22 and sound.

23 Q. So who were the owners?

24 And I'll get back to the comment about the
25 Tesla here in a second. But who were the owners?

1 A. So, officially, on paper, it's -- I found
2 out six months later Michael Atnip. Which is Craig
3 Kelley's husband, boyfriend, life partner. Whatever
4 they are.

5 And -- but Craig Kelley is the active owner.

6 And then, apparently, Sarah Kirkland is a
7 part of the ownership group as well.

8 Then, apparently, another person you talked
9 to, Jason Horton, said he has some stake in the game. I
10 don't know that for a fact. That's all he said/she
11 said.

12 So that's the sad part. Like, I was reading
13 what you guys are looking for from me. Right? I can't
14 really tell you anything because of the fact they
15 isolated everyone. Right?

16 So the sales group was isolated from the
17 marketing group. They actually pitted the marketing
18 group against the sales group. So if you, you know, had
19 any kind of complaints or anything to say with the
20 marketing group it was just shot down.

21 Well, then the operations side, which is
22 where Sarah Kirkland -- they stay hid in the corner.
23 You're not allowed to talk to installers. They would
24 get mad.

25 So I had built relationships with a few of

1 the inside people, like the permits department. Things
2 like that. And I would call and ask about status of
3 jobs.

4 Because, you know, when a client is calling
5 you 60 days after -- and you're told to tell them
6 four-to-six-weeks install time. And 60 days after they
7 haven't even seen a panel. You know, you call and start
8 asking. Things like that.

9 Well, once they found out I was asking, that
10 was shut down as well.

11 So they pinned everyone against each other
12 and kept it isolated. So there's really -- you're going
13 to have to find the group, core group of every section
14 in order for you to get the answers you're looking for.

15 Because -- I mean, Shawna said she doesn't
16 know anything. And she was the VP of sales. Right?

17 So if she's a vice president and she was
18 with the company since startup with Jason Horton, if
19 they don't know anything, none of us are going to know
20 anything. Because they kind of washed it all out and
21 would not let it get to us. If that makes sense.

22 Q. Yes. You said that you don't know the exact
23 relationship between Michael and Craig. Is that just
24 stuff that you heard through the grapevine, or did they
25 ever make a representation to you that they were either

1 married or in a long-term relationship?

2 A. People that have known them that I know
3 ~~know, they've kind of made it -- you know, I was~~
4 unaware.

5 You know, first question I asked was who was
6 the veteran. Because they say they're veteran owned and
7 operated. So I was just trying to find out who the
8 veteran was. You know, first of all, so I can show my
9 gratitude for his sacrifice for the country.

10 Well, nobody could tell me.

11 Finally, after I moved up a couple of levels
12 in management, come to find out Michael was in the
13 Air Force for a few years. So that's how they're saying
14 that they're veteran owned and operated.

15 And, apparently -- and, you know, these
16 people have also shared they've been to dinner with
17 Michael and Craig.

18 Also, Michael's nephew worked for me in the
19 office in Alabama. So that's how I found out that
20 things were really going downhill. And that's why I
21 left in Alabama. I walked away from a significant
22 amount of money.

23 I want to say they owed me between 50- and
24 80-grand in commissions. I walked away because not all
25 money is good money.

1 So, at that point, you know, when your guys
2 aren't getting paid, but your owner is flying a personal
3 jet into Huntsville, Alabama, to take his father out to
4 dinner on a Tuesday night, You know, you have 40
5 employees that are calling you every single day. And
6 you're having to pay their light bill out of your pocket
7 and water bill out of your pocket, give them gas money
8 to make appointments.

9 At that point, that's when I knew it wasn't
10 right for me anymore. So I stuck around for another
11 45 days trying to build as much money -- get as much
12 money out of what's called a "pipeline." Which is your
13 sales. You build a pipeline with sales, you know, as
14 the commissions come in.

15 So I tried to get as much money as I could.
16 For example, my last 30 days I went zero for 64. I was
17 talking people out of going solar. I had multiple
18 people that were like, "Why are you telling me not to do
19 this?" I'm like, "Solar is really good, but you should
20 really look into some other options."

21 Because of the fact nothing was getting
22 fulfilled. They wasn't pulling permits properly. They
23 wasn't putting panels on the homes. If they did, they
24 were putting panels on the homes and then running off
25 and not following up to do the process to make the

Ad Litem Reporting - (615)415-5556

1 panels work.

2 So, you know, I guess that was about 60 days
3 before I left. Maybe 90. They started the whole

4 "paneling the roof within two weeks" thing. They didn't
5 announce it. It just started. You know, you started
6 getting paid a little quicker on your back-end pay.

7 And so they're like, "Yeah, we're putting
8 panels on the roof in two weeks." And I'm like, "That's
9 incredible. Before you couldn't even do it in eight
10 weeks."

11 You know, but they wasn't doing the
12 electrical. They wasn't pulling permits. They was just
13 going out there installing panels and brackets so they
14 could claim that they were installed so they could get
15 the loan payments from the lenders.

16 Q. So that's how they got the money from the
17 lenders? Just by putting the panels on the roof?

18 A. Yes. Because, technically, that means that
19 you're installed. It's -- in the solar loan industry,
20 the way it works is you get paid a portion upon the
21 contract. Typically, it's 50 percent. But it could be
22 30 to 50 percent.

23 And then you'll get paid the final portion
24 once the customer acknowledges that the panels have been
25 installed on the home.

1 So it's not what you called "PTO." Which is
2 turned on, operating, performing. It's just the panels
3 on.

4 But I will tell you this: Since then
5 there's a lot of companies that cracked down on that. I
6 want to say Pink Energy and Solar Titan have definitely
7 made their way -- you know, they've made a lot of these
8 loan companies change their ways.

9 So now they're actually not only -- they're
10 asking for notice to proceed before they even pay you,
11 you know, the 20 percent upfront.

12 So they're not giving the money out because
13 of the fact that all these customers are calling and,
14 you know, wanting their -- get out of the loan. Because
15 they're in a 20-year, 25-year loan, and they're having
16 to pay two bills at once. And that's not what I signed
17 up for. I signed up to help people and change their
18 lives.

19 You know, one of my first customers was a
20 74-year-old lady. Her husband of 48 years had died two
21 weeks before I sat down with her. And she was literally
22 cutting up her medicine, her 30-day supply of medicine
23 into threes trying to make it 90 days because she
24 couldn't afford her medicine, lights, and all that. She
25 didn't know what she was going to do.

Ad Litem Reporting - (615)415-5556

1 And so I personally helped the lady out. I
2 paid some money on her bill for her. And we got it to
3 where she could go solar and save on her light bill.

4 And that made her life a little easier.

5 That's why I joined. It was more about the
6 opportunity not only to help myself financially, but
7 also doing it in a way that you're benefiting the people
8 around you. You're creating a better opportunity for
9 less fortunate people.

10 Q. You mentioned that you worked with Michael's
11 nephew.

12 A. Yes.

13 Q. What was Michael's nephew's name?

14 A. If you wouldn't have told me -- wouldn't
15 have asked me, I could have told you.

16 Justin Fowler.

17 Q. Justin Fowler?

18 A. Yes. In Huntsville, Alabama.

19 So I learned a lot about them in that
20 process. He actually left the company not long after I
21 did.

22 You know, I had personally groomed him. He
23 had never done sales before. So he kind of -- you know,
24 I kind of brought him in, just because I like him. He's
25 a really good guy.

1 And when he started asking questions I knew
2 there was a problem. Because, you know, you're the
3 owner's nephew and you're asking why are these installs
4 not being done, why are these reviews so bad. Because I
5 never looked at the reviews until him.

6 He pointed out the reviews. So I started
7 looking at the reviews. And I'm like -- because when I
8 first started it was 4.7, A+ BBB. You know, "Heck,
9 yeah. This is a great company to work for." So I never
10 looked at them again.

11 I saw -- I thought what I was seeing on a
12 daily basis we were doing great. I mean, the company
13 was going forward.

14 And so I was like, "What are you talking
15 about?" So I looked at them. And I was like, "Holy
16 cow."

17 And then I started seeing personal customers
18 on there. So I'd reach out to my personal customers and
19 try my best to get it fixed. Which I did for most of
20 them.

21 Now, some of them I just couldn't. You
22 know, it just -- still, hopefully, they got them fixed.
23 I don't know if they ever did. It's unfortunate.

24 And like I told two of the last customers
25 calling me, "Look, I didn't get paid off of you either.

1 I didn't paid for signing you up." So.

2 Q. You also mentioned that Craig was an active
3 owner. But --

4 A. Operating manager, I guess.

5 Q. Okay.

6 A. He has -- everyone knows he's the owner.
7 Everyone knows who he is. But nothing's in his name.
8 And a lot of that is from when I've done research before
9 I left as well.

10 You know, there's judgments against him.
11 And so I'm assuming it's more of a "I'll operate it,
12 honey; you put this is your name since your credit is
13 not ruined like mine is."

14 That's assumption. That's he said/she said.
15 That's not worth nothing. But.

16 Q. Did Justin ever talk about the relationship
17 between Michael and Craig?

18 A. Oh, they're together. They know they're
19 partners. He referred to them as partners. Craig's
20 been around all this time.

21 Q. But he doesn't know if they're married?

22 A. They have a kid together. He told me that
23 they had a kid. I didn't know they had a kid.

24 Q. They adopt?

25 A. If I remember correctly, he said that

1 they -- I guess they had a -- paid for a lady to carry
2 it.

3 What is that called? A -- something with an
4 "S."

5 Q. Yeah. I don't know off the top of my head.

6 A. I told you, I played football. I used my
7 head for a lot of things. Math and vocabulary wasn't
8 one of them.

9 (Laughter)

10 BY MR. KEEN:

11 Q. Same here. I don't know how many
12 concussions I've had, you know, playing football in high
13 school. But it's more than a handful, I'm sure.

14 A. I laugh at these kids now. You know, you
15 see them, they're like, "Oh, my head hurts. I'm out for
16 two weeks." I'm like, "Man, I remember my coach hitting
17 me on the back of the head after I just had a head-on
18 collision, you know, telling me to get back out there."

19 But, yes. You know, I'm -- I know for a
20 fact they live together. They -- you know, they go to
21 family functions together. They have a kid together. I
22 mean --

23 Q. You just don't know if they're married?

24 A. I don't know if they're legally married.

25 No, sir.

1 Q. What about Dale Roden? Was he involved in
2 the day-to-day operations?

3 A. That guy is -- wow. Yes. That's when
4 everything went downhill, man.

5 When I first started there was a gentleman
6 named Ernie Bussell, who was the engineer. He was the
7 one -- he was amazing. All the work was top-notch.
8 High quality. It was done timely.

9 Well, Dale Roden came in. And about two
10 weeks after, magically, Ernie got fired. Well, that's
11 when Dale Roden I guess came up with the whole "panels
12 on the roof" thing.

13 Ernie won't really -- I've talked to Ernie a
14 couple of times. He wouldn't say why he left. He just
15 said -- I was like, "I figured it was something like me,
16 ethical reasons." And he goes, "Absolutely. Ethics was
17 a huge part of it." And I go, "Okay."

18 But that guy's a joke. Dale Roden's a joke.

19 Q. Why do you say that?

20 A. It's just -- you know, one time we had a
21 dinner. We had a manager's meeting and we went out to
22 dinner. He was there with his team. And he came over.
23 And this is the first time I ever got to sit down with
24 him face-to-face.

25 And I go, "Man, let me ask you something."

1 Are we -- are these -- are the size systems that we're
2 doing, are they are producing what they need to produce
3 for our customers?" And he goes, "I can't tell you
4 that. I was told not to say anything about that." And
5 I go, "Look, man, I need you to let me know."

6 Because I only wanted to know for the
7 customer. Right? "Because if I'm telling these guys
8 60 percent, and the system size that you're telling them
9 80 is really only 40, then I'm -- somehow I'm lying to
10 them anyway, even though I'm already trying to go
11 underneath the expectations." And he was like, "I'm not
12 allowed to tell you that."

13 Well, a month later they resized the system.
14 So they -- a chart came out. But this was about the
15 time that everybody found out that you guys were
16 investigating. That was right about the time I was
17 letting go of my duties as well.

18 Q. So what does "resize the system" mean?

19 A. Okay. So the way it works, the way Solar
20 Titan works is they give you a list. Really, most of
21 those guys do not know how solar works. I did not know
22 how solar works until I started doing research when
23 everything just seemed way too fishy.

24 So, basically, what they would do is, you
25 would go in and you would get a bill. And you would add

1 up their yearly average. And you would divide it by
2 12 months. And then it would say 1,400 kilowatts is
3 your monthly average kilowatt consumption.

4 Well, they had a book, a sizing chart that
5 you use. So you would go to the 1,400, and then you
6 would go two systems down. Then you would go three
7 systems below that for the smaller system.

8 Well, I never did that. I would always go
9 where it's at. So if it was 1,400, say, 8-kilowatt
10 system, I would do a 8-kilowatt, and a 6-kilowatt for
11 the smaller one. And then I would encourage them to go
12 with the smaller one. Which was what they promoted as a
13 50 to 60-percent offset. And the reason being it was
14 close. It was close.

15 But 1,400 kilowatts really should be about a
16 1,300-kilowatt system. But the thing is, when you're
17 charging 675 a kilowatt, plus you're charging \$17,500
18 for a battery, you can't price that because they're
19 average power bill is \$200 a month. So now you're
20 charging this ridiculous amount for what they really
21 need.

22 But their monthly finance fee would be
23 347 -- 400. Plus, they would still have 50 to 60
24 percent of their power bill.

25 I'm assuming -- I mean, I don't have proof

1 of this. I'm assuming the reason why the book was laid
2 out the way it was is because it was a little smaller
3 system which made it cheaper. So it made it make more
4 financial sense for the homeowner.

5 Q. You said "the book." Is that like a guide?

6 A. They give you a little pitch book. Right?

7 And the pitch book, it comes with a sizing chart, a
8 sizing guide.

9 Q. You still have a copy of that pitch book?

10 A. No, man. I threw all that stuff away in
11 their office in Huntsville.

12 When I left I -- I had prepared, so when I
13 left my house that -- because the way my operations
14 worked was I would leave my house Monday morning, go to
15 whatever territory I was in, and then I would come back
16 Saturday night or Saturday morning.

17 Well, when I left this week, I left on
18 Thursday my last week. And I had planned for it before
19 I left the house. So I brought every Solar Titan shirt,
20 hat, sweatshirt, jacket, book -- everything I had. And
21 I put it all in their office. All their computers I
22 had. Everything.

23 I did not tell them I quit until that Friday
24 when my check hit. Because I was due a \$12,000 bonus.
25 So once the check hit I sent in my resignation letter.

1 Q. When did you quit exactly?

2 A. June 1st of this year.

3 ~~Q. You said you sent in your resignation~~
4 letter. Did you just send them an e-mail?

5 A. I sent four people an e-mail. I sent
6 Shawna, John Carroll, and the HR lady an e-mail.

7 And I -- you know, basically, I was really
8 short and simple. I didn't go into -- like a lot of
9 these people's resignation letters I've seen, like
10 Shawna's was basically a litigation. She just basically
11 cleared herself of all kinds of -- mine was real short
12 and simple.

13 "Due to ethical concerns and -- due to
14 ethical concerns and due to the fact that I cannot lie
15 to my employees anymore, I'm resigning position
16 effectively immediately." And that's just the way it
17 was.

18 Q. Did they send you like a no trespassing?

19 A. Yes. I laughed.

20 Then they called me because I had a \$40,000
21 check from a customer that I did a cash deal. They
22 called me like two hours later. I was like, "Wouldn't
23 it be trespassing to bring you a \$40,000 check? But
24 don't worry." I deposited it in their account, though.

25 Q. Okay. Sarah Kirkland, did you ever have

1 interactions with her?

2 A. No. She stayed in a locked-up office.
3 That's another red flag. When they put their finance
4 team and her in this sealed up door that you can't get
5 into with bulletproof glass and at this building they
6 had three armed guards.

7 I'm like, "Why do you have armed guards at a
8 solar company? Like that's -- that doesn't make sense."

9 I've seen some shady business. Heck, dude,
10 I sold steaks door-to-door out of a truck, and those
11 guys didn't even carry guns. So I don't know.

12 Q. You said they had armed guards?

13 A. Yes. You cannot get in the building --

14 Q. Okay. Just for the building. Okay.

15 A. Yes. So for the building.

16 But they walk them out to their cars and
17 everything.

18 Q. Why do you think that was?

19 A. Why do you think that they're issuing
20 restraining orders as we resigned one at a time? Right?

21 You know, look, there's a lot of people that
22 Craig Kelley and them guys are screwing over. Like I
23 said, they owed me 50- to 80,000. I can tell you about
24 six other employees who they owed 20- to \$40,000.

25 I mean, that's a whole lot of money.

Ad Litem Reporting - (615)415-5556

1 Eventually you're going to have the wrong guy.

2 Q. Yeah.

3 A. You know? Or gal.

4 MR. HILL: No offense, ladies. It could
5 be a gal as well.

6 A. (Continuing) That's a lot of money. I mean,
7 especially when you're causing people to go bankrupt.
8 Not only your employees, but look at your customers.
9 You're ruining their credit. You're taking hard-earned
10 money from their families and putting it into what? An
11 idea.

12 You know, solar is a great industry. It's a
13 great product. It's a heck of an opportunity for us to
14 better our earth and give people an opportunity to kind
15 of control their finances rather than letting big energy
16 do it.

17 But when you're not fulfilling any of your
18 promises to your employees or your customers, there's a
19 lot of angry people out there. The one thing about the
20 hills of Tennessee, those boys know how to shoot.

21 So I would say that that would be my guess.

22 BY MR. KEEN:

23 Q. Alicia and I were just talking the other
24 day. We got into a conversation about the Hatfields and
25 McCoys in the hills of Tennessee. So I know what you're

1 talking about.

2 A. There's people that worship those guys still
3 around here. You know, it's wild. And for them just to
4 blatantly do it. You know?

5 And I think that me personally, it got to
6 the point where I couldn't sleep. You know, my wife was
7 like, "What's wrong? You're not this guy. You're not
8 an angry, depressed guy. What's wrong with you?" And
9 I'm just like, "I just feel like everything I'm doing is
10 corrupt." She was like, "Okay."

11 And I go, "So I'm leaving. I'm just trying
12 to get as much money as I can out of what they owe me."

13 Because I was on the road. I was the one
14 that went on the road five days a week and six days a
15 week. So with that, being away from my family, I wanted
16 to get as much of my compensation I was owed as I could
17 at the time that I left. And that's what I worked for.

18 Q. Well, I'm going to ask Alicia and Tessa if
19 they have any follow-up questions related to some of the
20 stuff that we talked about.

21 A. Okay.

22 MS. DANIELS-HILL: I do have a few
23 follow-ups.

24 BY MS. DANIELS-HILL:

25 Q. So you said that Craig Kelley was

1 essentially an active owner, just not on paper. What
2 led everyone to thinking that he was the -- like, really
3 an owner but was just not on paper?

4 A. One thing about salespeople is they talk.
5 Right? We get paid to talk. More importantly, if you
6 hurt people's feelings, truths come out.

7 Shawna Kelley was recruited by Craig -- or
8 Shawna Helton was recruited by Craig. So was Sam
9 VanHooser. So was a few other people who were
10 personally recruited by this man.

11 So he's in the place of -- I've heard
12 ass-chewings -- excuse my language -- butt-chewings.
13 I've been outside of the door when there was cursing
14 and, you know, performance things and things like that.
15 Every day.

16 You know, it got to the point where Shawna,
17 myself, and Sam, we kind of were the top. Right? Of
18 the management on the sales side. So every single day
19 we would have to deal with Ms. Helton crying and
20 frustrated because Craig cussed her out for two hours.
21 Things like that. So that's how I know.

22 Also, like two weeks before I left I liked a
23 former employee's new LinkedIn. They called me at
24 2:00 a.m. because Craig had seen me liking his new
25 company that he started. So it was like, "He's going to

1 leave us. He's going to take the money." All this.

2 And you don't know if you're not a managing
3 partner.

4 Q. So Craig has another company that he
5 started?

6 A. No. The guy I referenced earlier that was a
7 great installer. So he opened his own company.

8 And, actually, his target audience is fixing
9 Solar Titan's mistakes. So he was like, "Look, if they
10 screwed you over, call me. I'll come out and try to do
11 my best to get you going."

12 And so I liked his post. Because I thought,
13 heck, yeah, man. I'm always for helping the next man
14 up. I mean, look, if you're doing what you can to
15 better your family and yourself, I'm always going to
16 support that guy. And, apparently, you can only do that
17 with certain people. So.

18 Q. Who was the name of that guy that started
19 his own business?

20 A. His name is Ernie. I can't remember his
21 last name. I'm pretty sure you guys have his name from
22 one of the people because --

23 Q. That was Ernie Bussell that you referred to?

24 A. Bussell. Yes, ma'am.

25 Q. Okay. And you said that you were told

1 people -- or I'm sorry. You were told to tell people
2 four to six weeks. Who told you that the installation
3 time was four to six weeks?

4 A. It was on the material that we had. It was
5 part of what they called "the company credibility."
6 Which I stopped using like a long time before I left.

7 So on that company credibility you would
8 basically, you know, veteran owned and operated company,
9 American-made products. Which is a lie. They started
10 buying the cheapest crap they could find.

11 And then it was also, you know, quickest
12 install time in America. Four to six weeks on your
13 roof. That was part of the pitch that they taught that
14 they made you memorize.

15 Q. And then you had talked a little bit about
16 what Justin said about Craig and Richard's relationship.

17 Were you aware of like the house that they
18 purchased? How large it was? Any of the other
19 purchases?

20 A. Which one? Which house?

21 I mean, everyone knew. It all started
22 coming out. That's part of -- you know, when he told
23 us -- when Justin mentioned they flew in on their
24 private jet; you know, he also mentioned that they had
25 bought a property in Gunterville Lake in Alabama and

1 they were clearing out lots to build their house there
2 next to his parents' house.

3 So, you know, it just started -- and then,
4 you know, come to find out they had bought a charter
5 company in Florida. Destin, Florida. And they had like
6 30 yachts or something that they rented out. Things
7 just kept on coming out.

8 And it's like, "Wait a minute. But you owe
9 me \$20,000, and you owe this guy \$30,000."

10 You know? I don't know if that makes sense.

11 Q. Yeah. That makes sense.

12 And then when did Justin actually start
13 working there at Solar Titan?

14 A. It wasn't long before I left.

15 Let's see. We opened in Alabama March. So
16 I'd say May. Because they send me to Alabama March 1st.
17 So I would say he came the following month.

18 Q. March 1st of this year?

19 A. Yes.

20 Then he left in June as well.

21 Q. You said that there were red flags. And you
22 mentioned some of them. But I want to make sure that
23 we're not missing any of the red flags that you noticed.

24 A. It was a lot. It was manipulation
25 constantly.

1 Like, okay. For example, you're a
2 well-decorated attorney. Right? But in your -- right
3 now your position is assistant. So you're letting Sam
4 run the show. And you're just there for added purposes.

5 Well, how would Sam feel if you held the
6 conversation and you would not let him talk? It's out
7 of character. You shouldn't do that because your
8 position in this certain position right now is right
9 here (indicating).

10 Well, when the marketing director -- or I'm
11 sorry. The training director, which is John Carroll, is
12 telling salespeople what to do; controlling
13 salespeople's pay; controlling, you know, what the
14 overall numbers are, he's the one that did all the
15 numbers every month to tell you what you're -- and it
16 was just red flag, after red flag, after red flag.

17 And eventually it got to the point I
18 couldn't ignore it anymore.

19 Q. Was there one red flag in particular that
20 actually tipped things to where you were like, no, I
21 don't think this is an honest company?

22 A. All my employees were broke. And this guy
23 was flying a personal jet from Knoxville to Huntsville,
24 Alabama, to take his dad out to dinner. You know,
25 they -- I was having them calling me like, "You need to

1 tell this guy to calm down."

2 You know, they were sending out e-mails
3 saying that they were going to send you a check for
4 \$2,800 this Friday. That's what your expected pay was.
5 And then that Friday you got \$200, \$50, \$500. You know?

6 But this guy is buying a house in Destin.
7 You know, this guy has bought half of a really nice area
8 here in Knoxville in a high-end neighborhood.

9 I mean, it's got to be \$200,000 an acre
10 where he's buying in Westland here in Knoxville. Acres
11 and acres. And they're making me have to go these
12 offices, look these employees in their eye, and say,
13 "Hey, man. It's going to be okay. Go out there and
14 sell some more. Go sell some more, man. You're going
15 to be paid eventually. Just keep on selling. I can't
16 help that your kids don't have no food; your lights are
17 turned off. Just go sell something."

18 I'm not a liar. I don't believe in hurting
19 people. I only want to help people. I believe you
20 create the world that's around you. So if you put off
21 positive energy and you create smiles and you do good
22 onto others, then your life will be positive. You will
23 receive the same as what you give.

24 Q. And then do you remember the address for the
25 office that's in Huntsville?

1 A. I probably can see. I mean, I had to GPS it
2 every day for two months.

3 It was in the Redstone Arsenal. Or what was
4 it called?

5 See, they -- that was another thing, too.
6 Their offices are like 10-by-12 inside of like co-op
7 buildings. Right?

8 So like it's an office, so to speak. But
9 it's -- I mean, you probably know. You're a lot younger
10 than me. You guys probably -- those little coffee spots
11 where like you can have a mailing address to a business
12 or whatever but for the building, it's like a closet.

13 So like three people can go in there, and
14 that's all you can do there. That's what it was.

15 But it was at the Redstone Arsenal. I can't
16 remember the name of -- what was it?

17 I can't remember the name of the complex.

18 Q. That's fine.

19 A. Spaces at Redstone Arsenal. And the address
20 is 4100 Market Street Southwest, Huntsville, Alabama
21 35808.

22 MS. DANIELS-HILL: Those are all my
23 questions.

24 Thank you.

25 MR. HILL: Yes, ma'am. Thank you.

1 BY MR. KEEN:

2 Q. So, Mike, you presented in person. Right?

3 A. Yes.

4 Q. How many customers were you able to get to a
5 day?

6 A. Typically, they would want to put three to
7 four on your schedule a day.

8 Q. Okay.

9 A. Finally, there towards the end, I had told
10 them that the workload was just too much.

11 For example, in the Chattanooga office they
12 would have guys in -- they called North Georgia, but
13 they lived in Chattanooga. They would have to drive to
14 Macon, Georgia. It's a three-hour drive. You can't do
15 four appointments a day with a two-hour drive,
16 three-hour drive from appointment to appointment.

17 So there towards -- right before I left they
18 changed it to where it was only three blocks a day. So
19 instead of 9:00; 12:00; 3:00; and 6:00, it was 10:00;
20 2:00; and 6:00. So they gave four-hour windows so you
21 could do a good presentation and still have a decent
22 amount of time to be able to travel back and forth.

23 Me, typically, every day it was two to three
24 a day.

25 Q. And you mentioned that they liked to talk

1 about how they're veteran owned. Did they ever try to
2 target customers who were veterans themselves or current
3 service members?

4 A. Once again, the marketing was -- Craig is
5 actually the one that operates the marketing. That was
6 his baby. So I know that they used different lead
7 sources. Some of them promoted -- it seemed like we did
8 get a lot of older people.

9 But, no, they did not go after specific
10 targets that I know of. Like I said, it's so separated
11 that you really couldn't get direct answers.

12 Q. Do you know how leads were generated?

13 A. Yeah. So there's different companies that
14 you can buy leads from.

15 They also started their own little
16 marketing. So Facebook marketing, YouTube, Google.

17 If you're playing a video game and you need
18 extra points, you've got to watch a little 30-second
19 clip to get an extra token for your game. They would
20 advertise in there.

21 But they would also buy their leads from
22 other self-generated -- or lead-generation companies.
23 They had about a hundred reps that would make the phone
24 calls to set the appointments.

25 Q. Tell me a little bit of the price structure

1 of these solar systems. Is the price set in stone? Is
2 there any wriggle room for negotiation?

3 A. No. I mean, if you want to lose money out
4 of your pocket, there's room for you to negotiate with
5 the customer.

6 So the way they do is, they tell you what
7 your minimum price per kilowatt is. So, like when I
8 first started, I think it was \$4. When I left it was
9 \$5.75. And that was in a matter of a year.

10 So, basically, you would go -- so every
11 kilowatt is a thousand. So if you need a 10-kilowatt
12 system, that's 10,000.

13 So let's say \$4 times 10,000. And then the
14 battery would be an additional cost. So you would have
15 to add that on there as well.

16 And they overpriced their batteries. So
17 their batteries would be, I think it was \$17,500 when I
18 left.

19 So you would do the 40,000 for the kilowatts
20 and then the 17,500. So the total cost to the customer
21 would be 57,500.

22 Now, that's not including any finance fees,
23 any interest rates, or anything like that that the
24 customer is going to incur for having a 6.99 loan.

25 Q. All right. And the cost of the system, did

1 that include everything? Did that include the
2 equipment, the labor, permitting? All that stuff?

3 A. Yes. Supposedly.

4 Q. Why do you say "supposedly"?

5 A. Because half the people weren't getting
6 permits pulled.

7 So -- but, yes, that's what the
8 representation to the customer is.

9 So, let's say, the \$57,500. It would be
10 for, you know, that's all-inclusive. So that's all your
11 permits, panels, and all your labor. That's everything
12 to get you going.

13 Q. Did they ever install -- like do work on
14 homes installing these without pulling permits?

15 A. I mean, like I said, you can't pull a permit
16 in two weeks to put panels on a roof. I'll just leave
17 it there.

18 I'm still affiliated with the solar
19 industry. And I'm telling you now, you cannot get
20 permits within two weeks. So you can use that for, you
21 know.

22 Q. You work -- you said you work for another
23 solar company right now?

24 A. I work for myself. But, yes.

25 Q. What do you do?

1 A. I just consult. So I -- basically, what I'm
2 doing right now is I'm helping a friend build is his
3 company.

4 Q. Okay.

5 A. I don't want to work for anybody else again,
6 man. You see what I'm going through on a Thursday
7 afternoon, right? I learned my lesson.

8 Q. Did you-all ever offer customers any
9 rebates?

10 MR. HILL: That's another red flag,
11 Ms. Alicia.

12 A. So when I first started it was \$2,500. So
13 they would send you a check for \$2,500 four to six weeks
14 after install, is what they would tell you.

15 But you could do different ones. You know,
16 you would have to call. That's something the reps
17 couldn't do. But if they called upper management, they
18 could do that.

19 BY MR. KEEN:

20 Q. So if a customer is kind of like on the
21 fence?

22 A. Yes.

23 Q. And who would you call to do the rebates?

24 A. Well, you would have to -- even if they
25 called me, because I was one of the leaders at that

1 time, so I would have to get it approved through Shawna
2 or John Carroll.

3 Q. And did the checks actually go out?

4 A. That's a great question, sir. I would tell
5 you that there's quite a few reviews that say no.

6 Q. But you never heard directly from a consumer
7 saying, hey, I never got my check?

8 A. No. Because I didn't offer them personally.
9 That was one of those things that I did with my own
10 personal customers.

11 I took more precautions than I probably
12 should have. With the fact that I was not comfortable
13 offering some of the things that they putting out there
14 for you to offer. I should have known to walk away at
15 that point.

16 But the 2,500 bucks, my thought-process was
17 if you need that 2,500 bucks you probably can't afford
18 this. This is not for you. That was my approach. So I
19 never really threw it out there.

20 The only time that I would throw it out
21 there to one of my customers was if they go, "Well, I
22 seen that ad where it said you're going to get 2,500
23 bucks." And so I would put on the agreement customer
24 seen ad for \$2,500 rebate, blah, blah, blah.

25 But that's pretty much -- I never used it as

1 a closing tool. The way I would do it was I would drop
2 the price of the system.

3 So, you know, if they're charging, let's
4 say, 4.75 a kilowatt. Believe it or not, 25 cents off
5 that kilowatt makes a huge difference. Because, you
6 know, you do that -- you do 25 cents off of a
7 10-kilowatt system, that's \$2,500.

8 So instead of giving them a check, I gave it
9 instantly. So they get to see the benefits right there
10 before their eyes. So pre-finance it's going to be
11 \$2,500 less. That way it's going to save them on their
12 monthly expense and they get to see the reward instantly
13 rather than waiting on someone to mail it to them.

14 Q. Makes sense.

15 What about a tax credit? Did Solar Titan
16 ever tell you to try to tell folks that there's a tax
17 credit involved with purchasing these?

18 A. Yes. So if you were not careful it could be
19 misleading. And they never told you -- I will say this:
20 They never said to go tell people, hey, you're going to
21 be guaranteed to get it.

22 It is in the pitch. It is part of their
23 pitch. Right? Their price breakdown when you present
24 it to the customer. It's got the before tax credit, the
25 after credit tax on it.

1 But the ones that were doing it right were
2 filling out the information in the beginning. So.

3 And we knew that if you were not currently
4 making more than \$40,000 a year and you did not earn
5 income yearly that tax credit did not mean nothing to
6 you.

7 So the ones that were being successful, they
8 were finding the information from the beginning.
9 Because the way you present it, you don't want to upset
10 someone. Right?

11 So let's say that I was with your mom and
12 dad. They're retired. Well, I tell them that, hey, the
13 cost of the system is only going to be 28,000 after this
14 tax credit. And they're like, "Oh. That's a credit.
15 We don't work. Oh, man, that's going to be \$50,000."

16 So if you find out that they don't work in
17 the front end and they don't have any kind of taxable
18 income, so no rental properties and no kind of earned
19 income, then you don't present that.

20 So at that point I would just be like, "Hey,
21 guys, look. This is the best I can do for you." And me
22 personally, I would drop it down as low as the company
23 would let me go for those senior citizens and things
24 like that.

25 Q. But the pitch included the tax credit

1 regardless of the customer. They didn't have like a
2 separate pitch for different customers?

3 A. Yeah. So at first it was, you know, this
4 system does qualify for a 26 percent tax credit. It
5 does. It really does qualify as long as you qualify for
6 it.

7 That's where, unfortunately, you know, some
8 people were misrepresented. I can't say that the
9 company was pushing them to that. Unfortunately, there
10 were some people that were just money hungry.

11 So there were some reps that were saying
12 what they had to say to get a contract so that they can
13 make their measly 4 percent, 5 percent. Whatever it was
14 they were paying.

15 Q. What about the inspection process? Were you
16 familiar with the inspection process at all?

17 A. No. So they -- it's a totally different
18 department locked up in the back of the building. No
19 communication.

20 Q. So you-all were -- you said, I think you
21 used the word "silo." You-all were kind of separated
22 from --

23 A. Yes. So everything is separated. Like,
24 they did not want cross-communication. I mean, it's a
25 smart way -- if you're going to con 500 people that work

Ad Litem Reporting - (615)415-5556

1 for you, the smart way to keep it going for as long as
2 you can is to keep them from being able to communicate
3 the things that they're seeing.

4 And so -- I mean, that's an assumption.
5 That's something I can't really back up.

6 I would say why wouldn't you want your
7 people to communicate? A happy workplace with nothing
8 to hide. You talk to the person on the first floor when
9 you go to your twelfth floor. Right?

10 But if you're not allowed to communicate
11 with anybody on the first floor, then why not?

12 Q. It's like another one of those red flags?

13 A. Yes, sir.

14 Q. What about the manufacturers? What brand of
15 solar systems did you-all install?

16 A. Let's see.

17 When I first started they were very proudly
18 using Q Cells and Generac. Q Cells is an American
19 manufacturer that's in Dalton, Georgia. It was a great
20 pitch considering you're a veteran-owned company.
21 All-American. Right?

22 And then towards the end they were using the
23 cheapest crap they could find. I think it was called
24 Cheetah or something like that.

25 Q. You said Q Cells was in Dalton, Georgia?

1 A. Yes. They have a huge plant down there.

2 Q. But they stopped using Q-Cell when?

3 A. They would not even talk to you about that.

4 The only reason I knew they wasn't using Q Cells is
5 because one of my customers called me and was like this
6 panel says Hanwha. That's not the same as what you're
7 talking about. And I was like, "What?" And he sent me
8 a picture.

9 So I go to them saying, "Wait a minute.
10 What are you doing?" And they're like, "Don't tell them
11 the name of the brands anymore. Just tell them it's all
12 high-quality equipment." And I'm like, "Oh, that makes
13 sense."

14 Q. The name? I'm sorry. Can you repeat that?
15 You said --

16 A. The box was not the Q Cells. The customer
17 took a picture and sent it to me.

18 And so I went and was like, "What are you
19 guys doing? This is not what we're telling these
20 people." And they're like, "Oh. That's last -- we're
21 not using those anymore. They're on back order. We're
22 having to use these brands because of supply and
23 demand."

24 Q. What was the name of that manufacturer that
25 the customer took a picture of?

1 A. I can't remember the name of it now, man. I
2 have to delete my pictures off the phone, too. I just
3 know for a fact they were not using Q Cells anymore.

4 They said it was because of a back order.
5 But, man, I can show you where 500,000 of them are right
6 now in a warehouse. What it was is that they are some
7 of the most expensive ones.

8 So Q Cells costs you between \$140 and \$160 a
9 panel. Where you can get these Korean panels for about
10 \$80 a panel.

11 Q. I thought that you had mentioned a specific
12 name.

13 A. Cheetah was one of them. Hanwha.

14 Yes. There's a few other names out there
15 that they apparently get used.

16 Because there towards the end it was like,
17 oh, that was last cycle; this is a different cycle. We
18 have a different cycle of panels now.

19 So they're like don't talk about the brands
20 at all. Just say "tier 1 equipment."

21 Q. Were they still advertising that their
22 equipment was American-made?

23 A. No. They had changed that. They did do
24 that.

25 Q. Okay.

1 A. I think that was a little persuasion with
2 some people saying some things.

3 Q. So it took some employees saying, hey, we
4 have got to stop saying that?

5 A. Well, I mean, when we were asking questions,
6 they were like, oh, we've got to change that.

7 That's the one thing. That little guy, John
8 Carroll, he'll find a way to manipulate things. He's
9 good at that. So they changed that quickly.

10 Q. What about Generac? Did --

11 A. Yes.

12 Q. Did you-all use Generac systems?

13 A. All the way until -- I think right before I
14 left or right after I left.

15 I didn't really care about anything they
16 said the last couple of weeks because I knew I was out
17 the door. I was just buying time getting to that bonus
18 check.

19 But they started -- they went to SolarEdge
20 right before or right after I left. I can't remember.
21 From Generac.

22 But Generac did unfortunately -- they're a
23 great company. But they -- their batteries, when it's
24 below 37 degrees, they don't produce properly. So they
25 actually shut down.

1 So they -- apparently, this other brand will
2 work up to below 10 degrees or something like that.

3 Q. How did you find out that Generac doesn't
4 work below 37 degrees?

5 A. Because I had some really good customers. I
6 signed up this really wealthy guy. See, I signed up --
7 in my time with Solar Titan every millionaire I sat down
8 with signed up with me. Right?

9 You know who the biggest headaches are?

10 Anyway, so after months and months of trying
11 to get him installed, he finally got them installed. He
12 was ecstatic. First day it was cold it wasn't working.
13 And it wasn't working again.

14 So, finally, after two weeks of me just
15 sending e-mail after e-mail and picture after picture of
16 it not working, to Dale Roden, they finally go, "Well,
17 Generac doesn't work in the cold. That's why we're
18 going to have to start looking for a different option."

19 But they did finally get that guy going.
20 I'm glad.

21 Q. So how long did Solar Titan know that the
22 Generac system didn't work below 37 degrees?

23 A. That's another one of those privileged
24 conversations I was not a part of.

25 Q. But your understanding is that they did

1 know?

2 A. I know towards the end they did. They even
3 announced that's why they were using a different vendor
4 at that time.

5 Q. Okay.

6 MR. KEEN: Alicia, do you have any
7 follow-up on any of that?

8 BY MS. DANIELS-HILL:

9 Q. When did they tell you that the Generac
10 systems weren't going to work under 37 degrees? You
11 said you were e-mailing because of this customer.

12 A. Yes.

13 Q. And then they finally came back and said the
14 systems aren't working below 37 degrees. When did they
15 tell you that information?

16 A. It was April. It was right towards the end
17 of my tenure. Because -- April, May.

18 Because we had just had a big snow in -- was
19 it May? I know here we had 7 or 8 inches. I think you
20 guys seen a lot of snow out that way, too. Whenever
21 that last snow was, that's kind of when everything --
22 because that customer that I brought up had called me.

23 Because that was the thing, I gave all my
24 customers my personal number instead of giving them a
25 1-800 number. Because I wanted them to know, hey, I'm

Ad Litem Reporting - (615)415-5556

1 here with you through this process. So as things
2 developed for them they would call me and I would push
3 them along to get resolutions to the problem.

4 So I want to say April or May.

5 Q. I realize that we haven't actually asked you
6 this. How many sales reps were you overseeing for
7 Georgia?

8 A. Wow. Well, let's see. When I first went to
9 Georgia I built it. We had 25. Twenty, twenty-five
10 reps.

11 Q. And that was the same amount when you left
12 or was it a lot less?

13 A. That was towards the end of -- like, when I
14 left -- because basically the plan was I would go to
15 Georgia, open it, become a regional manager. Right?
16 That was the sales pitch: Go open it; you know, a
17 couple thousand dollars a year.

18 So I went and opened it. Well, instead of
19 them doing that, they were like, hey, instead of that,
20 we're going to actually promote these guys you've
21 trained to managers and you're going to have go further
22 down south and be a manager with them. That's not going
23 to fly with me.

24 So that's kind of how that was.

25 So when I left the company they only had,

1 because it kind of started filtering themselves out.
2 Seventeen. Sixteen, seventeen guys when I left in
3 Georgia.

4 And there was another five in Alabama.

5 Q. Were they going anywhere else?

6 A. Most of them just left or they were getting
7 fired.

8 Because towards my end John Carroll was kind
9 of stepping in -- his foot into I want to be the boss of
10 the sales side. So, basically, he was trying to fire
11 people that were not following what he said. He would
12 have fired me long, long time ago if he could have.

13 You know, because I was the one guy that was
14 like, "No. That's not true. I'm not listening to that,
15 man. When you get done talking let me know and I'll get
16 back on the Zoom. Because I'm not going to have you
17 tell my guys something that's not true. Because I'm
18 going to have to be the one to pick up the pieces when
19 it's all said and done."

20 That's -- and so total sales guys between
21 Alabama and Georgia when I left was about 25. Kentucky,
22 they had probably 20, 25. And in Tennessee, 20, 25.

23 So together they had, I would say, between
24 60 and 100 sales reps would be my guess.

25 Q. I'm sorry. I probably asked the question

1 wrong.

2 Was Solar Titan looking to go into any other
3 states at the time that you left?

4 A. Yes. Virginia was supposed to be my next
5 stop. Florida. That's pretty much it.

6 Q. Okay. And --

7 A. They're not doing that now because once I
8 left, you know -- I'm trying to be humble. Once I left,
9 it was a big splash. Right?

10 Because how does this guy produced all these
11 numbers and he's built all these guys and he just quit.
12 So a lot of people started noticing things, and they
13 started leaving.

14 So from what I hear when I was there we were
15 doing between 10 and 20 million a month. And from what
16 I hear they're down to doing a million, 2 million a
17 month.

18 Did I answer that one correctly, Ms. Hill?

19 Q. Yes.

20 BY MR. KEEN:

21 Q. So sounds like there was a lot of turnover,
22 then, especially towards the end of your time there?

23 A. Yes, sir.

24 Not really on my team. My guys stayed with
25 me the whole way through. The ones that left were

1 family members of the owner. Right?

2 And, you know, guys in different areas. The
3 guys in Kentucky, apparently. Louisville. I guess you
4 guys are aware of the Louisville news stories and all
5 that. It came out before everything.

6 The Atlanta one came right after.

7 So as those news stories came. People
8 started noticing things.

9 The one in Georgia didn't bother me that
10 much. It was bad training. That was where -- that was
11 under the guys that instead of -- if I would have still
12 been in Georgia that wouldn't have happened. Right?
13 Because that's not -- they're never trained to say that.
14 They shouldn't be trained to say that.

15 But they put these two young guys that
16 weren't ready to be a manager in position to save
17 themselves from having to pay me money, basically. So
18 that one wasn't so bad.

19 But the one in Louisville was horrible.

20 And the one in Nashville I saw, I think the
21 one I saw in Nashville was horrible.

22 But the one in Atlanta was just a young guy
23 that used the wrong words and was under the wrong
24 impression and said the wrong information.

25 But a lot of that comes from the lack of

Ad Litem Reporting - (615)415-5556

1 training that they do. Because they literally put you
2 in a training class for a week. That John Carroll guy.
3 Right?

4 And what they do is they make you memorize
5 and write down verbatim their little pitch. They don't
6 teach you the ins and outs and how -- you know, all the
7 legalities of the restrictions for the tax credit and
8 things like that.

9 And so when they go in the field, these
10 young guys go in the field, they're not prepared to
11 truly be a quality consultant because they don't really
12 know what they need to know to lead people in the right
13 direction.

14 And there towards the end, all they cared
15 about was putting appointments on the books. More and
16 more appointments. Get as many sales appointments as
17 you can. Just sell, sell, sell. And so you were having
18 people who was with the company a week running solo
19 appointments.

20 The guy in Atlanta, the video you-all saw,
21 he had only been with the company two weeks. Maybe
22 three. It wasn't a long time.

23 Q. You said a lot of these guys are young guys.
24 So was Solar Titan hiring young people like right out of
25 high school? Right out of college?

1 A. They'd hire a homeless man if they could,
2 man. It was whoever answered ads. They had no -- well,
3 John Carroll, if he interviewed, he thinks that his
4 training is for elevated -- like he would try to recruit
5 you. Right?

6 But, for the most part, towards the end it
7 was whoever was willing to drive from wherever they were
8 at up to Tennessee to do their training class for a
9 week.

10 Q. And I'm actually not familiar with this
11 Atlanta story. You said there was a young kid who said
12 something wrong. He was just three weeks in.

13 A. Yes.

14 Q. What was it that he said?

15 A. The tax credit, he told a lady that was
16 retired she was going to get the tax credit. He also
17 told her that it was going to be 100 percent offset for
18 her power.

19 And that's two things that -- even Solar
20 Titan, as much as I despise their ethics, they made sure
21 you knew not to say 100 percent offset. They'll let you
22 say 90 percent, which is a lot. But they wouldn't want
23 you to ever say an absolute number of 100 percent.

24 You know, and then the tax credit. If you
25 don't apply yourself with all the laws, you can mislead

1 people. But if you do apply yourself, for example, I
2 don't know if you guys know this, but Section 26A of the
3 tax you can get up to 50 percent of your rebate on solar
4 next year according to the tax code, as long as it's 40
5 percent of this and 80 percent of that.

6 But if you don't do -- if you don't do that
7 homework and study, you're never going to know that.
8 They did not teach you that.

9 Q. What about Mr. Carroll, do you think he
10 would ever encourage, especially some of these younger
11 sales folks to maybe push the boundaries a little?

12 A. That guy is a snake, man. He -- they come
13 from timeshare. I guess you know that. Right? So the
14 way they sell is the art of manipulation.

15 And so, yes -- I mean, in a way.

16 Now, he covers his tracks really well. And
17 what he says out loud is the opposite of what he's
18 showing you to do. It's more of a "don't do as I do, do
19 as I say" kind of situation.

20 I would say he probably more leans towards
21 not telling them everything, would be my guess.

22 Q. Now, besides Justin, did any other family
23 members, that you know of, of either Craig, Sarah, or
24 Michael -- Richard, whatever his name is, work there?

25 A. Yes, sir. So Sarah's son Matt Kirkland is

1 supposedly their designing engineer. Which you can
2 say -- you can put whatever title you want on it. It's
3 just a computer program. You take a picture of the
4 house and it tells you where to put the panels. But he
5 does that.

6 Then some of Justin's family. Apparently,
7 as soon as they opened Alabama -- that's where
8 Michael -- Richard, whatever his name is, is from is
9 Huntsville. So they tried to hired all his family.

10 So he had a couple of family members on an
11 install team. But, apparently, Craig didn't like them,
12 so he fired them.

13 That's pretty much all I know.

14 Q. You said Matt Kirkland was Sarah's son?

15 A. Yes.

16 Q. And he was -- his job title is designing
17 engineer?

18 A. Yes. So, basically, what he does is, once
19 the -- the way they work there is, they sell you on the
20 contract. Right?

21 So the customer, they sign up. They don't
22 get to see what it's going to look like on their house
23 or nothing until after the contract is filled out. All
24 that's done.

25 Now, once they get past their three-day

1 window to change their mind, then they do what's --
2 basically, it's called a "shade report." It shows on
3 the roof where the hotspots are. So it tells you where
4 to concentrate your solar for the best results due to
5 the sun and the positioning of the sun throughout the
6 year.

7 So what he would do is just do that and then
8 put the panels in that spot. That's his job.

9 Q. How old is Matt Kirkland?

10 A. Man, I -- early 20s.

11 Q. Is he an engineer?

12 A. No. He's a retard. Excuse my language.
13 Sorry.

14 Q. Well, expound upon sort of what you mean by
15 that a little bit. Why -- he was incompetent at his
16 job, I guess is a good --

17 A. Yes. I apologize for the lack of
18 professionalism. I know that's a big no-no word
19 nowadays. He's special needs. He seems to be, anyway.

20 Q. Why do you say that?

21 A. I mean, it's always -- when I was there, you
22 know, you would ask -- there would be certain customers
23 that were like, no, I need to see it now.

24 So you'd call and it was like, oh, man, I
25 don't know why -- see, there towards the end we were

1 pretty much doing his job for him. Right?

2 So we had to take all these pictures. And
3 then we had to take a Google Earth image and we had put
4 the coordinates of the house. We had to draw on there
5 where the electric meter box is, where the -- you know,
6 everything. So all this guy had to do was point and
7 click.

8 And it was still every day whining. You
9 know, this isn't done, and that isn't done. And he was
10 always behind on his job. But because of who his mother
11 was --

12 Q. Now, who would these shade reports go to?

13 A. That's part of Dale Roden's team. That's
14 the install team.

15 So he would draw it. Dale would approve it.
16 They would send it off for permits. And then the
17 install team would go out to install it.

18 Q. So was the shade report used to get permits?

19 A. Well, kind of, from what I understand. I
20 don't know how they do.

21 In other companies, yes. You have to show
22 them, (a), that it is going to produce. But it also
23 shows the structure of the house. Right?

24 So you have to put it on the rafters. So
25 you need to know if it's a 14-inch or 16-inch split.

Ad Litem Reporting - (615)415-5556

1 And all that should have been provided.

2 But I don't know how they did it. I was not
3 privileged for that information.

4 Q. And to your knowledge Matt Kirkland was not
5 an engineer?

6 A. No, not that I know of.

7 Q. He didn't go to college to be an engineer?

8 A. No. I mean, I can do it for you right here.
9 Same thing. I'm not even going to call myself an
10 engineer. But I can pull it up and show you all the
11 same stuff.

12 So, to be honest with you, I think they just
13 used that word to make it sound fancy and more
14 professional than what it was. You know?

15 Q. Did Matt Kirkland have any contractor's
16 license or anything?

17 A. Not that I know of. That's one of those I
18 never -- I've seen him like three times.

19 It's like, "Hey, man." And he walks by you
20 like that (demonstrating).

21 That's just who he is. He never really
22 talked to anybody.

23 So I really didn't -- don't have a whole lot
24 to go on as far as conversations with him and things
25 like that.

1 Q. I want to touch on something you talked
2 about earlier. You mentioned that you had deposited a
3 check for a customer, a \$40,000 check?

4 A. Uh-huh.

5 Q. And then you also talked about how some
6 customers would use financing?

7 A. Yes.

8 Q. So am I understanding correctly some
9 customers would pay through financing and some were able
10 to pay just out of their own pocket?

11 A. Yes.

12 Q. About what percentage of customers would you
13 say paid out of their own pocket?

14 A. 5 percent.

15 Q. Okay.

16 A. Not a whole lot.

17 Look, man, 50-, 70-, 80,000. A lot of
18 people don't have that kind of cash laying around.

19 Q. Right.

20 A. Out of my year there I think I did three or
21 four cash deals.

22 Q. Would they pay the full amount, or would
23 they pay in installments?

24 A. So the way their cash works is you do half
25 upfront and then half upon install.

Ad Litem Reporting - (615)415-5556

1 Q. So if a customer did pay in cash, they would
2 give you -- would they always write you a check? Or
3 were there other ways for them to pay?

4 A. Well, they can pay on credit card through
5 the company. But most people would just write a check.

6 Q. And they would give that check to you?

7 A. Yes.

8 So they would give it to the rep. And then
9 me, being who I was, the manager would have to collect
10 those checks and deposit them within 24 hours.

11 So no matter where the reps were, you had to
12 go meet them, get the check, and deposit it within the
13 bank within 24 hours.

14 Q. Why did you have to do it within 24 hours?

15 A. Because they want their money.

16 Q. So that was a directive from Craig?

17 A. Well, from Shawna.

18 See, Craig never talked. I'm sure
19 Ms. Helton told you her theory about them setting her up
20 to take the fall. And they pretty much did.

21 I mean, you know, everything was directed
22 from him through her and through us to the people. So
23 everyone was being controlled from a silent partner, so
24 to speak.

25 Q. They used the same bank to deposit the

1 checks from the customers?

2 A. As far as I know. The U.S. Bank.

3 Q. So they would have you drive to the
4 U.S. Bank and make the deposit?

5 A. Right.

6 Which sucks if you're in Georgia or Alabama
7 because there's no U.S. Banks. So you would have to
8 drive to Tennessee. It's either Knoxville or Nashville
9 pretty much.

10 Q. Okay. They wouldn't want you to just put
11 the check in the mail?

12 A. No. No.

13 Q. Okay. How -- is that sort of what you were
14 talking about earlier? About how they wanted their
15 money quickly.

16 A. Oh, yes. The faster -- I mean, if they were
17 operating 100 percent, then you would want it because it
18 takes seven days for a check like that to clear. Right?
19 And by that point you should be ready to pull permits to
20 move to the next phase of the project. So it makes
21 sense.

22 Q. Did they have to give you special permission
23 to access the account to make a deposit?

24 A. They only gave it to -- they like sent us a
25 picture of a bottom of a check. Shawna sent it to just

1 us managers.

2 Q. So she sent you a picture of the routing
3 number and account number?

4 A. Yes, sir.

5 Q. Did she send you anything that showed the
6 name of the account?

7 A. No.

8 Q. Okay. When you went to deposit these
9 checks, did they ever tell you who the name was on the
10 account?

11 A. There was this one time in Fayetteville,
12 Tennessee, the lady said a name. This is what we talked
13 about. This is how I knew you talked to Shawna. Right?

14 It sounded like Fassont (phonetic).
15 Something like that. And I was like, "I'm sorry. I
16 think maybe you got the wrong account." And she was
17 like, "No. According to the number." So we rechecked
18 the numbers.

19 And I don't know if it was loud or I
20 couldn't hear, but it did not sound like Atnip. I mean,
21 it's kind of hard not hear "catnip" when you say that.
22 Right?

23 So I was like, "Okay. Here it is." And I
24 deposited the check and I left.

25 Q. So the name on the account sounded like

1 "Fassont"?

2 A. Like "F" and a "T" is what I remember
3 hearing. Yes.

4 Q. Okay. Was that the last name of the person?

5 A. Yes. So it was Michael Fassont. Or
6 something like that.

7 Q. Michael Fassont.

8 Did they ever give you a receipt to show
9 that the deposit was made?

10 A. She asked me if I wanted to know the
11 balance.

12 Q. Okay.

13 A. And I said, "No. I'm sure there's a lot."
14 And she was like, something-2 million or 26 million.
15 Something like that. It was something like that. I
16 don't know well enough from that.

17 And that was one of those -- Shawna and I
18 talked about that after I left. I just let that go.
19 Stuff like that, I don't waste my space thinking about
20 things that I can't control or things that don't affect
21 me. So little crap like that I just threw out the
22 window and kept going.

23 But I don't litter. So metaphorically
24 speaking I threw it out the window.

25 Q. So they didn't give you a physical receipt

Ad Litem Reporting - (615)415-5556

1 for the deposit?

2 A. No. I never asked. I probably could have.
3 I probably should have, actually.

4 But, no. They only give you a -- they give
5 you a receipt, but it doesn't show the balance.

6 Q. Okay.

7 A. So it'll say like, you know, deposit of
8 \$8,500 -- whatever the check is -- and the account
9 number. And then we were directed to take a picture.
10 You know, put the name of the customer, write it on the
11 receipt and take a picture, and send it to them.

12 Q. Okay. So you would -- that's how they would
13 verify a deposit was made, is you would take a picture
14 of the receipt?

15 A. Yes, sir.

16 Q. And I just want to make sure I understand
17 correctly. When the bank teller told you the amount in
18 the account, you said it could have been 2 million or
19 26 million?

20 A. Yes.

21 Q. That's kind of a big --

22 A. I don't know enough to tell you. I'm not
23 confident enough to tell you an answer on that. I don't
24 want to mislead you or myself by saying something I'm
25 not sure of.

1 Q. But you could have heard 26 million?

2 A. I could have heard that. Yes, sir.

3 MR. KEEN: Alicia, do you have any
4 follow-up?

5 MS. DANIELS-HILL: Yes.

6 BY MS. DANIELS-HILL:

7 Q. So who exactly were customers told to make
8 their checks out to?

9 A. Solar Titan USA.

10 Q. And then do you know if that's the same
11 account that would have been used for like wire
12 transfers from the finance companies, or was this a
13 separate account for their cash payments?

14 A. I wasn't privy to that information.

15 Q. And then I actually had a few questions
16 about Matt, the design engineer.

17 A. Okay.

18 Q. Were sales reps told to refer to him as a
19 design engineer when talking to customers?

20 A. In their training they refer to them all as
21 engineers. You know, "Our engineers will handle that.
22 I'm not an engineer. We have people for that." Things
23 like that.

24 Now, specifically Matt? No. Most of us
25 knew.

Ad Litem Reporting - (615)415-5556

1 Q. But Matt was the only person who was doing
2 these design plans?

3 A. Towards the end, yes.

4 But Ernie did it at first. Ernie and Sarah.
5 Sarah was actually -- when Solar Titan was doing real
6 clean, quick installs, Sarah was actually running it
7 with Ernie.

8 And then when she pulled away, that's when
9 everything kind of went downhill. I guess that's when
10 she put her son in there.

11 Q. To your knowledge does Sarah have an
12 engineering degree or certification or anything like
13 that?

14 A. She was the company holder for the NABCEP
15 certification is what I was told.

16 MS. DANIELS-HILL: Okay. Those are
17 my --

18 A. (Continuing) So on the design, just to help
19 you-all out.

20 On the design process you don't have to be
21 an engineer. It's a program made by engineers that --
22 and it doesn't really matter what that program shows
23 because once it goes -- you're supposed to get permitted
24 and go through the electrical and structural engineer of
25 the local municipality. So whatever they say trumps

1 whatever you do on the computer.

2 That's pretty much how that goes.

3 BY MR. KEEN:

4 Q. I know we spoke a little bit about this a
5 little earlier. But were you ever aware of any big
6 spending, any big purchases done by either Michael,
7 Craig, or Sarah?

8 A. Well, I mean, other than the Teslas. Right?

9 And then Titan Charters down in Destin.

10 You know, apparently, he bought a bunch of
11 properties off of Westland Drive in Knoxville. Which I
12 heard recently that he's selling now.

13 There was supposed to be an \$800,000 beach
14 house in Destin with a yacht. I heard he sold those
15 recently as well. Because, unfortunately, as hard as I
16 tried I can't get away from these people.

17 Q. Who told you that they sold the house, the
18 beach house?

19 A. Jason Horton.

20 Q. Did he -- is Jason also the person that told
21 you that they're selling the Westland Drive house?

22 A. He said they're selling those properties.
23 They were just properties.

24 Q. What about the house off Toolles Bend Road?

25 A. I'm not sure.

Ad Litem Reporting - (615)415-5556

1 Q. Okay.

2 A. Like, when I say that we were held at a
3 distance, we were almost treated like we were less than,
4 even though we were the fuel. Right? And so they did
5 not, you know, elaborate on anything other than the bare
6 minimum.

7 Like I said, I worked there almost a year
8 and seven or eight words is the max I had with Craig.

9 I think three words with Sarah. Which is,
10 good morning, ma'am. And that's pretty much it.

11 Now, Stacey would be the one -- you're kind
12 of directed to go through Stacey. And Stacey is kind of
13 like the general manager, so to speak. She's the one
14 that everyone is kind of directed through.

15 Q. What is Stacey's last name?

16 A. Monks.

17 Q. Before I forget to ask, what about LaKea
18 Helton? Did you ever have any interaction with her?

19 A. Don't she work the front desk?

20 Q. Is that --

21 A. "Hey, how you doing?"

22 Q. Okay.

23 A. Nothing -- no kind of interactions other
24 than pleasantries. That's it.

25 Q. Okay. You-all never talked business or

1 anything?

2 A. No.

3 Q. You mentioned whenever you saw -- was it
4 Craig driving \$180,000 Tesla?

5 A. Yes. It was -- you know, Richard drove --
6 or Mike, whatever his name is, drove the Plaid Series.
7 Which is \$180,000.

8 And then the one that he was getting in was
9 the Platinum Series.

10 Q. Oh, so not quite the Plaid?

11 A. Yeah, not quite the Plaid. That's Richard's
12 or Mike's. Whatever his name was. This one was
13 \$140,000.

14 Just regular people's stuff. Right?

15 Q. Whenever you talked -- was it Craig that you
16 talked to about the car? Or Richard?

17 A. Yes, Craig. Never seen Richard.

18 Q. You never seen Richard?

19 A. No. Justin showed me a picture of him right
20 before I quit. That's the only time I ever seen him.

21 I never seen him. Never talked to him. He
22 is never in the office from what I hear.

23 That's why earlier, Ms. Hill with the
24 question about how I "assumed" that he was. Because the
25 only one that's there is Sarah Kirkland and Craig. So

1 that's how you assumed that they're the acting
2 owners/partners. Right?

3 Q. You said Craig was buying cars for all the
4 managers?

5 A. Like the upper -- I was not on the upper
6 end. So like it was Shawna, Craig, Richard, Sarah
7 Kirkland. The guy you mentioned, Dale, he had one.

8 I don't know if he bought it previously. He
9 had one as well there towards the end that looked new.
10 So I'm assuming.

11 All those guys had them.

12 Q. Were these company cars? Or were they
13 actually given to employees as a benefit?

14 A. I'm not aware -- well, I know Shawna turned
15 hers in when she quit.

16 Q. Okay.

17 A. See, all that didn't matter, man. Because
18 around that same time they had took our gas cards away.
19 Because when I first started traveling part of the deal
20 was a gas card. You know, I'm not going to pay for fuel
21 on top of everything else.

22 So then they had stopped. They didn't even
23 give you the courtesy of telling you that they were
24 cutting it off. You're just at a gas station and you
25 swiped the card and it said "declined." Luckily, I

1 wasn't one of the broke guys that they hadn't paid, so I
2 could take care of myself. But that's pretty much how
3 it was.

4 So everything was going downhill. So at
5 that point I just knew that I needed to protect myself
6 and I needed to get everything together to get out.

7 Q. So you and the other sales folks had to pay
8 for your own gas to get to your appointments?

9 A. Yes. So everybody had to pay for their own
10 gas except for field trainers, TSMs, TTMs. So you were
11 supposed to have a gas card because of the fact
12 sometimes I would start the day in Knoxville and I would
13 end up in Macon, Georgia. That's a lot of traveling
14 back and forth.

15 And then one day they decided to cut them
16 off.

17 Q. And at the same time they're cutting off gas
18 cards --

19 A. They're not paying employees. They're not
20 fulfilling customers, apparently; and they're buying
21 personal planes.

22 Q. Personal planes that I guess Richard flew
23 since he was in the Air Force?

24 A. That's another thing. He went and got his
25 commercial license to fly a G4, I think is what he said

1 it was.

2 Q. He's got a G4?

3 A. Yes. From what I understand. It was a nice
4 personal jet. A 12-man jet is what I was told.

5 Q. You know, did anyone mention where Michael
6 was stationed when he was in the Air Force?

7 A. No. He's the least talked about person in
8 that company. People talk about LaKea Helton more than
9 they talk about him. And she sits at the front desk.

10 Q. So you mentioned at the same time they're
11 cutting off gas cards, they're not paying employees,
12 they're not fulfilling customer orders, but you're
13 seeing all these purchases. Did that raise any red
14 flags?

15 A. That's why I was out, man. That's why I was
16 done. You know, I've watched a lot of Mafia movies in
17 my day, friend. It stands out pretty clear.

18 So at that point I was done. I knew that
19 this wasn't an operation for me.

20 So, you know, I reached out to a few people
21 that looked up to me and let them know, hey, I just want
22 to give you-all a head's up. I'm removing myself from
23 the situation, and you-all might want to as well. And
24 this is why.

25 And I left, and so did they.

1 Q. Were there any conversations amongst
2 employees about this like, hey, we're not getting paid,
3 but they're buying cars and G4s and homes and all this
4 stuff?

5 A. Oh, yes, especially for managers. Because
6 that was the thing. All of us managers were the ones
7 that were having to deal with our reps being
8 disappointed and heartbroken every single Friday when
9 they didn't get paid.

10 So, you know, you hear, "Oh, there's a new
11 yacht being bought for Florida. But I have nine guys
12 that, you know, are owed thousands of dollars that
13 haven't been paid."

14 And what they do is, they were going into
15 the system and changing it to refusal to install. But
16 you drive by those houses and the panels are on their
17 house. And there were several of these -- several of
18 these guys that kept a list of their customers and would
19 go around and take pictures. You know, "This is
20 installed. Why am I not paid?"

21 Q. So they would try to make it look like it
22 wasn't installed just so they wouldn't have to pay
23 commission on it?

24 A. Right.

25 Q. I want to ask about specific things that

1 you're aware of. Because we talked about yachts and
2 planes. And there was a G4. And then you also
3 mentioned a yacht.

4 A. Yes. Apparently -- I'll tell you a funny
5 thing about that.

6 So while nobody is getting paid they decide
7 to hold a sales competition. And, apparently, Craig's
8 suggestion for the sales competition was whoever hits a
9 certain amount would get to go spend the weekend on his
10 yacht as a celebration.

11 But they're not getting paid. So you want
12 these guys to sell a lot, and then you want to send them
13 to your yacht to spend the weekend to celebrate them
14 making you more money. Just didn't make sense.

15 Q. And this was in Destin, Florida?

16 A. Yes. I think so.

17 Q. Okay.

18 A. Alabama, too.

19 Q. They have a nice boat in Alabama?

20 A. Apparently. I think. That's what I heard.

21 Q. Like in Mobile?

22 A. I'm not sure what part it is.

23 I know they were getting ready to build a
24 house on Lake Guntersville, which is a really nice
25 exclusive lake there in Huntsville.

1 And Michael's father is apparently some kind
2 of legend for fishing there.

3 Q. Did -- were you under the impression that
4 Solar Titan owned this yacht? Or Craig? Or Michael
5 owned the yacht? Or was this part of their charter
6 business?

7 A. Oh, them. Everything was them. You know,
8 even with the charter business, they put that was Titan
9 Charters. Right under Solar Titan.

10 But from everyone, what they were talking
11 about was, it was Mike and Craig's personal yacht. And
12 it was either a million-dollar yacht and 800,000 beach
13 house, or it was a 800,000 yacht and a million-dollar
14 beach house. I can't remember.

15 Like, I'm the worst gossiper, dude. I'm
16 horrible at this because I really don't care enough
17 about what people say, the he said/she said, to retain
18 the information.

19 Q. I understand. And I know I'm probably
20 asking a bunch of questions that you don't know the
21 answer to or that's hard to remember.

22 A. Unfortunately, on this end, these questions,
23 this is where that line was drawn from privilege
24 information. You know?

25 And from what my understanding is, you've

Ad Litem Reporting - (615)415-5556

1 already talked to two of the people that would know.
2 Which would be Shawna and Jason Horton. They're the
3 people that were in that circle.

4 MR. KEEN: Alicia, do you have any
5 follow-up on that?

6 MS. DANIELS-HILL: No.

7 BY MR. KEEN:

8 Q. You know, honestly, Mike, I'm not sure that
9 there's much more we need to talk about at this point.
10 Unless you can think of something that might be
11 important that we haven't touched on.

12 A. No, man. I just hope that you guys -- I
13 hope that you guys apply pressure and they have to go
14 through and clean up and fix these customers, man. You
15 know, just do right by the people. Because that's
16 really what everyone got into this to do.

17 So, hopefully, they've got some kind of
18 goodness in their heart and they'll go and clean up the
19 mess they created.

20 MS. DANIELS-HILL: I had a few other
21 questions, Sam, about the customer interactions.

22 MR. KEEN: Okay.

23 BY MS. DANIELS-HILL:

24 Q. So you were actually one of the few people
25 who gave out your personal information to customers.

1 When customers would call and talk to you, did any
2 customers mention anything else going wrong with their
3 systems? Like any fires happening? Anything like
4 dangerous? Any roof damage? Anything like that?

5 A. No.

6 As far as fires? No. Thank God.

7 Mainly the calls were more about lack of
8 fulfillment. Right? No communication with the back
9 end. Nobody following up on service calls to do
10 follow-throughs for the install and things like that.

11 Now, there was a customer, you know, that
12 they went through the roof and caused a leak in the
13 roof. Supposedly they sent someone out there to fix it.
14 That was right towards the end when I left. They were
15 scheduled to go fix it.

16 So that's the only incident that I know as
17 far as that.

18 Now, just like you, I have read the Google
19 reviews. But that was -- if you look at the region of
20 those complaints, most of those are in Kentucky.

21 And I don't know if it was because they were
22 trying to go so much quicker up there because they only
23 had to do the panels. Because they don't have to sell
24 batteries in Kentucky because it's net metering. So
25 sloppier work to get more work done. I'm not sure on

Ad Litem Reporting - (615)415-5556

1 that.

2 Q. And the customer that said that they went
3 through the roof, where were they located? Were they in
4 Georgia?

5 A. Yes. Yes.

6 Q. Then did you hear anything about issues with
7 cancellations? Like a customer trying to call in and
8 cancel their contract but it not getting cancelled?

9 A. From customers or from just, you know, being
10 around people?

11 Q. Well, I guess either one. If you could
12 explain like where you're getting that information from.

13 A. All right. As far as from customers, no.

14 As far as have I -- I would share the
15 information that there were contracts, multiple
16 contracts that were attempted to be saved that had
17 cancelled that Craig was keeping from being returned.

18 Do I know that personally because I was
19 there? No.

20 Do I know that the person that found out was
21 devastated and thought that she was being set up? Yes.
22 It was a very long night for me that night. I think we
23 talked on the phone six hours while she was crying and
24 bawling her eyes out.

25 Q. And that was Shawna Helton?

1 A. Yes.

2 And that doesn't surprise me either, by the
3 way.

4 MS. DANIELS-HILLS: I think those are my
5 only questions.

6 Thank you.

7 MR. KEEN: Well, Mike, I appreciate you
8 talking with us today.

9 MR. HILL: Awesome. I hope I helped in
10 some way. I tried to -- unfortunately, I'm not a gossip
11 guy. It just goes in one ear and out the other. I
12 really don't listen.

13 MR. KEEN: Yes. I relate to that, too.
14 Try to stay away from the office gossip as much as we
15 can.

16 MR. HILL: Yes. You excited about the
17 game tonight?

18 MR. KEEN: Tennessee/Bowling Green?

19 MR. HILL: I don't care about the
20 Bowling Green. Just football being on.

21 MR. KEEN: I am. I am. I've got a
22 buddy of mine who just came down from Chicago. So I'm
23 going to meet up with him tonight. And I'm sure we'll
24 put the game on.

25 MR. HILL: Yes. Nice.

Ad Litem Reporting - (615)415-5556

1 Well, if you guys have any more
2 questions, feel free to reach back out. If there's
3 anything that I can think of that will come along, I can
4 do it.

5 And if I can -- I'll reach out to a
6 couple people. If you're wanting the information -- if
7 I can find some of that information, the packet
8 information from back in the day, I can take pictures of
9 it and send it to you.

10 MR. KEEN: Yes. That'll be very
11 helpful.

12 Would you like me to follow up? Like
13 give you a call in a week or so?

14 MR. HILL: Yes, you can.

15 MR. KEEN: Okay. I'll do it.

16 I'm going to stop the recording now. We
17 are now off the record.

18 (End of the proceedings.)

19
20 SWORN TO BEFORE ME WHEN TAKEN
21 THE 23RD DAY OF JUNE, 2022.

22
23 _____
24 Tracy Wilkes, LCR
25 Notary Public, State of Tennessee

My Commission Expires: October 24, 2023.

REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Tracy Wilkes, licensed court reporter
and notary public in the State of Tennessee,
hereby certify that I reported the video-conference
sworn statement of Michael Hill, by machine shorthand,
to the best of my skills and abilities, and thereafter
the same was reduced to typewritten form by me,
consisting of 97 pages, inclusive.

I further certify I am not related to any
of the parties named herein, nor their counsel, and have
no interest financial or otherwise, in the outcome of
these proceedings.

WITNESS MY HAND and SEAL, this the
14th day of September, 2022.

Tracy Wilkes, LCR #366
Licensed Court Reporter
Notary Public, State of Tennessee

My License Expires: June 30, 2024.
My Commission Expires: October 24, 2023.

Ad Litem Reporting - (615)415-5556

